

Paul G. Shearer
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UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

PAUL G. SHEARER,)	
)	
Plaintiff,)	Case No. A03-0263 CV (JKS)
)	(Consolidated)
vs.)	
)	
UNITED STATES OF AMERICA,)	
GALE A. NORTON, Secretary of the)	
Interior, DEPARTMENT OF INTERIOR,)	
and, NATIONAL PARK SERVICE,)	
)	<u>PLAINTIFF'S MOTION FOR</u>
Defendants.)	<u>RECONSIDERATION OF ORDER RE:</u>
)	<u>MOTION FOR ENLARGEMENT OF</u>
)	<u>TIME TO RESPOND TO USA MOTION</u>

Plaintiff Paul Shearer moves for reconsideration of the Court's Order entered on August 3, 2006. Docket No. 91. The Court's Order denied Shearer's motion to strike at Docket No. 88. The Court's Order also set the date for Shearer to file an opposition to the government's motion at Docket No. 84 on or before Monday, August 21, 2006. The United States' opposition at Docket No. 90 was filed on July 31, 2006, and received by plaintiff on August 4, 2006. Plaintiff had 5 days after service (plus 3 days) to file a reply to the oppositon. A timely reply would have been due on Friday August 11, 2006, pursuant to Rule 6, Fed.R.Civ.Proc. and Local Rule 7.1. The Court's entry of an order on August 3, just three days after the United States opposition was filed on July 31, 2006, and prior to plaintiff's having an opportunity to timely file a reply to the government's opposition colorably denies him due process of law.


Shearer requests that the Court reconsider the Order with regard to the date set for Shearer to file an opposition to the government's motion at Docket No. 84 on or before Monday, August 21, 2006.

Shearer did not receive the Order, Docket No. 91, in the U.S. Mail until late Tuesday, August 8, 2006. Prior to receiving the Order, Shearer had mailed early in the morning of August 8, 2006, a Motion for Enlargement of Time (assuming to be Docket No 92).

The Court did not have the benefit of Shearer's Motion for Enlargement of Time prior to entering the Order at Docket No. 91.

Shearer now requests that the Court reconsider and, for the reasons outlined in Shearer's Motion for Enlargement of Time (assumed at Docket No. 92), set the date for Shearer to file an opposition to the government's motion at Docket No. 84 on or before **October 9, 2006**.

DATED this 10th day of August, 2006, At Lake Oswego, Oregon.



Plaintiff
Paul G. Shearer
1532 Meadows Drive
Lake Oswego, Oregon 97034

CERTIFICATE OF SERVICE

I certify that a copy of the above documents was mailed, by first class mail, addressed to the persons at the addresses stated below on August 10, 2006.



Paul G. Shearer

Addressee(s):

US District Court
Clerk of Court
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